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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/534,240

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Bernd Schubert

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FRIEDRICH KUEFFNER

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EXAMINER

CHEN, CHRISTINE

ART UNIT

PAPER NUMBER

1793

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/534,240	<b>Applicant(s)</b> SCHUBERT ET AL.	
	<b>Examiner</b> CHRISTINE CHEN	<b>Art Unit</b> 1793	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2,6-8 is/are allowed.
- 6) ☒ Claim(s) 1,3-5 and 9-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/6/05</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 3-5, 9-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regards to claim 1, the phrase “especially” found on line 2 should be replaced with the phrase “comprising.” The phrase “especially” makes the scope of the claim unclear and is potentially confusing in terms of the structure and type of vessel.

Still regarding claim 1, the phrase “the upper flange” found on line 7 should be replaced with the phrase “an upper flange.” This is because there is lack of antecedent basis for the upper flange element.

Still regarding claim 1, the phrase “means of” found on lines 5 and 9 should be deleted in order to improve the claim language in terms of the claimed positive structural elements.

With regards to claim 3, the dependency of the claim should be changed to be upon claim 2. This is because the structural features of the clamp and operating lever found in the claim are specified in claim 2 and not in claim 1. In addition, the structural features of claim 2 are in agreement with those of claim 3 and are not found to be limiting.

Still regarding claim 3, the phrase "clamps" on line 6 should be replaced with the phrase "clamp" in order to maintain number agreement with the clamp specified in line 2 of said claim.

With regards to claim 4, the dependency of the claim should be changed to be upon claim 2. This is because the structural features of the clamp and operating lever found in the claim are specified in claim 2 and not in claim 1. In addition, the structural features of claim 2 are in agreement with those of claim 4 and are not found to be limiting.

With regards to claim 5, the phrase "the side profile" found on lines 2 and 3 should be replaced with "a side profile." This is because there is lack of antecedent basis for the side profile view.

With regards to claim 9, the dependency of the claim should be changed to be upon claim 2. This is because the structural features of the clamp and operating lever found in the claim are specified in claim 2 and not in claim 1. In addition, the structural features of claim 2 are in agreement with those of claim 9 and are not found to be limiting.

Still regarding claim 9, the phrase "such that" found on line 6 should be replaced with the phrase "or." This is because the use of the phrase "such that" implies that the middle, thick trunnion ring bracket (found on lines 6 and 7) is a further limitation of the spaced trunnion ring bracket plates (found on lines 5 and 6). The details found in the specification and Figures 5-8 do not support such a limitation. It follows from the specification and Figures 5-8 that the structural features of a middle, thick trunnion ring

bracket and spaced trunnion ring bracket plates are alternatives to one another. In the description of the figures found on page 7 paragraphs 4-7, a *single* trunnion ring bracket plate is specified in Figures 5 and 7 while *paired* trunnion ring bracket plates are specified in Figures 6 and 8. This description is in agreement with what is shown in Figures 5-8. In addition, in the discussion of the structural feature of the clamp found on page 10 paragraph 2, the phrase “trunnion ring bracket plates 8a” is found on line 4 of said paragraph and the phrase “middle, thick trunnion ring bracket plate 19” is found on lines 4 and 5 of said paragraph, wherein the feature of “trunnion ring bracket plates 8a” are only found on Figures 6 and 8, while the feature of a “middle, thick trunnion ring bracket plate 19” is only found in Figures 5 and 7.

With regards to claim 10, the dependency of the claim should be changed to be upon claim 2. This is because the structural feature of the operating lever found in the claim is specified in claim 2 and not in claim 1. In addition, the structural features of claim 2 are in agreement with those of claim 10 and are not found to be limiting.

Still regarding claim 10, the phrase “the pivot bearing” found on line 5 should be replaced with “a pivot bearing.” This is because there is lack of antecedent basis for the pivot bearing.

With regards to claim 11, the dependency of the claim should be changed to claim 10. This is because the structural feature of the pivot bearing and two lever cover plates is specified in claim 10 and not in claim 1. In addition, the structural features of claim 10 are in agreement with those of claim 11 and are not found to be limiting.

With regards to claim 12, the dependency of the claim should be changed to claim 10. This is because of the connection of the tension lever arm to the pivot bearing that connects the two lever cover plates 21, as found in the specification on page 11 lines 3-5.

***Allowable Subject Matter***

3. Claims 1-12 appear to contain allowable subject matter.
4. The following is a statement of reasons for the indication of allowable subject matter: The particular structural feature of a hinged closure found in independent claim 1 which tensions opposing vessel brackets and trunnion ring brackets upon its movement between a closed and open position in combination with a vessel supported on a trunnion ring spaced some distance from the vessel, which trunnion ring can be tilted by means of trunnions in rocker bearings on both sides, wherein claws distributed along the circumference of the vessel wall rest on the upper flange of the trunnion ring and wherein a support is designed to be releasably mounted on the upper flange of the trunnion ring by means of additional mounting fixtures is novel over the prior art.

The closest prior art, Laubach (US 6,290,901), discloses all of the structural elements found in the preamble of claim 1. However the support structure found in Laubach differs from that described in claim 1. While the support structure found in Laubach allows for the release and closure between the vessel and the trunnion ring, this feature is performed by loosening the clamp connection comprising a screw.

The quick release and closure feature provided by the hinged closure of the instant invention in combination with a vessel supported on a trunnion ring spaced some

distance from the vessel, which trunnion ring can be tilted by means of trunnions in rocker bearings on both sides, wherein claws distributed along the circumference of the vessel wall rest on the upper flange of the trunnion ring and wherein a support is designed to be releasably mounted on the upper flange of the trunnion ring by means of additional mounting fixtures is found to be novel over the prior art and is advantageous in its quick acting mechanism allows for the easy removal and placement of the vessel to the trunnion ring and the performance of doing so with little effort.

5. Claims 1-12 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

6. A telephone call to Mr. Friedrich Kueffner for the approval of an examiner's amendment was performed on June 23-24 and 26 of 2008 however Mr. Friedrich Kueffner could not be reached.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTINE CHEN whose telephone number is (571)270-3590. The examiner can normally be reached on Monday-Friday 8:30am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on (571) 272-1244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1793

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Roy King/  
Supervisory Patent Examiner, Art  
Unit 1793

CC